

**AUCTIONEER BOARD
MADISON, WISCONSIN
FEBRUARY 26, 2001**

PRESENT: Robert Brandau, Marie Kohlbeck, Richard Lust, Mark Shain, and Marie Skic-Loy; Robert Massart (by telephone until 11:28 a.m.)

EXCUSED: Ronald Bast

STAFF PRESENT: Cletus Hansen and Jan Neitzel; Bill Dusso was available for a portion of the meeting

CALL TO ORDER

The meeting was called to order at 9:26 a.m. by Richard Lust, Chair, upon confirmation that the public notice was timely given. A quorum of 6 members was present.

AGENDA

MOTION: Marie Skic-Loy moved, seconded by Bob Brandau, to adopt the agenda as published. Motion carried unanimously.

MINUTES (12/11/00)

MOTION: Bob Brandau moved, seconded by Marie Skic-Loy, to approve the minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Marlene Cummings

Clete Hansen reported that Secretary Cummings has retired.

The Board requested that Mr. Hansen extend best wishes to the Secretary.

Cletus J. Hansen

- Roster

The Board received a copy of the February 2001 roster. Noted.

- Meeting Dates for 2001

The Board agreed to meet April 23, 2001, and to possibly have a telephone conference March 26, 2001.

- The Executive Budget Bill

Clete Hansen discussed some of the changes in renewal fees that are reflected in the 2001 Budget Bill.

The Board discussed the increase in registration fees for auctioneers and questioned the reason for the increase and for what purposes the money is used.

Clete Hansen explained that the two factors affecting the cost of licenses are the number of licensees and the cost of enforcement for that profession.

The Board discussed the number of licensed auctioneers and the total dollars used for enforcement.

MOTION: Mark Shain moved, seconded by Marie Kohlbeck, to include an explanation of the increase of costs to licensees in the next Regulatory Digest. Motion carried unanimously.

- Regulatory Digest

Draft of March, 2001, was noted.

- To-Pass Folder

Information was circulated in the To-Pass Folder.

- Reciprocal Agreement with Florida

The Board discussed the proposal from Florida to enter into a reciprocal agreement with Wisconsin.

MOTION: Marie Skic-Loy moved, seconded by Marie Kohlbeck, that Wisconsin enter into a reciprocal agreement with Florida. Motion carried unanimously.

LEGISLATIVE UPDATE

Temporary Registration, Advertising, Auction-Related Services While Suspended or Revoked

Clete Hansen reported that the Department has not yet received a final bill draft for LRB 1135/1 relating to abbreviating “registered Wisconsin auctioneer,” eliminating temporary registration, eliminating the 30-day waiting time to take the examination and creating an exemption of a person age 18 and younger from mandatory registration.

ADMINISTRATIVE RULES

Auction-Related Services While Suspended or Revoked

The Board discussed the revisions to RL 121, 125, and 126, Wis. Admin. Code, related to temporary persons and auction-related duties while suspended or revoked.

New Procedures Relating to Revised Rules

Richard Lust stated that the temporary license will be issued for 60 days, rather than one year, after the date of filing a temporary license application.

Clete Hansen reported that the memo dated January 26, 2001, relating to examination and expiration of registration, is included with all auctioneer applications that are sent.

MANDATORY CONTINUING EDUCATION

The Board agreed that continuing education is important and would benefit auctioneers and the public.

MOTION: Bob Brandau moved, seconded by Mark Shain, to encourage and to support continuing education for auctioneer licensees and to recommend to the Department that the rules be created to include mandatory continuing education. Motion carried unanimously.

The Department will review the rules for needed changes to incorporate continuing education requirements for auctioneer licensees.

SALE OF REAL ESTATE AT AUCTION

The Board discussed a memo dated January 8, 2001, from Bill Dusso, Board Legal Counsel, regarding the sale of real estate at an auction and the impact of s. 452.20, Stats., on an auctioneer bringing a lawsuit to collect a commission.

REVIEW OF AUCTIONEER CONTRACT

Colleen Baird, Department attorney, reported that most of the revisions have been made to the contract that is used by Badger Auctioneers. The latest version of the revised contract will be included in the April 23, 2001, agenda packet for review by the Board.

MISCELLANEOUS INFORMATION/CORRESPONDENCE

Bob Massart was not available after this point.

Press Release Re: Evavold

Clete Hansen explained that a press release is used when a license is revoked or surrendered.

Correspondence with Paul George

The board received a copy of the February 7, 2001, letter from Paul George, relating to his auctioneer registration.

Notices of Denial: Renewal Applications

The Board discussed notices of denial based on unpaid taxes and that the fact that a registration certificate can be issued if arrangements have been made to pay the taxes.

Administrative Warning

Bill Dusso explained the purpose of an administrative warning, a letter of concern, and a reprimand. Mr. Dusso stated that an administrative warning is private and is not published in the Regulatory Digest.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT

DOE staff presented the stipulation relating to Kenneth W. Sprague. The Board will discuss this stipulation in Closed Session and will vote after Closed Session.

NEW BUSINESS

Nothing to report.

PUBLIC COMMENTS

None.

RECESS TO CLOSED SESSION

MOTION: Mark Shain moved, seconded by Marie Kohlbeck, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, to deliberate on a stipulation. Motion carried unanimously by a roll call vote: Robert Brandau-yes; Marie Kohlbeck-yes; Marie Skic-Loy-yes; Mark Shain-yes; Richard Lust-yes.

Open Session recessed at 12:09 p.m.

The Board deliberated on a stipulation.

ADJOURN CLOSED SESSION

MOTION: Marie Kohlbeck moved, seconded by Marie Skic-Loy, to adjourn the Closed Session and to reconvene in Open Session as publicly announced. Motion carried unanimously.

Closed Session adjourned at 12:11 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

STIPULATIONS

Kenneth W. Sprague (Kenosha, WI)

MOTION: Marie Skic-Loy moved, seconded by Marie Kohlbeck, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the disciplinary matter involving Kenneth W. Sprague. Motion carried unanimously.

ADJOURNMENT

MOTION: Marie Kohlbeck moved, seconded by Bob Brandau, to adjourn the meeting at 12:17 p.m. Motion carried unanimously.